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EXAMINER

NGUYEN, TAN D

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/839,697	Applicant(s) LOWRANCE ET AL.	
	Examiner Tan Dean D. Nguyen	Art Unit 3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20,22-35,37-39 and 41-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20,22-35,37-39 and 41-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/15/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The amendment of 3/11/2010 has been entered.
 - a) Claims pending: 20, 22-35, 37-38, 39 and 41-56 are pending.
 - b) Claims amended:
 - c) Claims canceled: 1-19, 21, 36 and 40.

The pending claims comprising of 2 groups:

- 1) method: 20, 22-35, and 37-38,
- 2) computer readable storage medium (CRSM): 39, and 41-56.

2. As of 3/11/2010, method claim 20 is as followed:

20. (Currently Amended) A method for accessing or generating an argument supporting a conclusion for a given situation, the method comprising:

a) presenting to a user a plurality of searchable templates, wherein a subset of the plurality of searchable templates is relevant to the given situation;

b) receiving from said user a selection of one of said plurality of searchable templates from said subset that is relevant to the given situation, said one of said plurality of searchable templates being a relevant template most related to the given situation and including a plurality of queries;

c) displaying said plurality of queries to said user, wherein each of said plurality of queries has a categorical scale of likelihood regarding whether the given situation will likely have a negative or positive result, the categorical scale

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of likelihood being represented by a plurality of potential responses; said categorical scale of likelihood being associated with said plurality of potential responses before said plurality of queries is displayed to said user;

d) presenting to the user at least one discovery tool that links to an external data source to facilitate responding to at least one of the plurality of queries;

e) receiving from said user one or more user responses to said plurality of queries where each of said one or more user responses is selected from the plurality of potential responses such that each of the user responses indicates a likelihood of a negative or positive result for an associated one of the -plurality of queries,

f) receiving from said user supporting evidence in response to said mere plurality of queries, the supporting evidence being relied on by the user to form at least one of the one or more user responses;

g) associating said supporting evidence received from said user with at least one of said plurality of queries for which a user response has been received;

h) evaluating said one or more user responses, in accordance with the likelihood of a negative or positive result indicated by each of said one or more user responses, such that said one or more user responses collectively support a conclusion indicating whether the given situation will likely have a positive or negative result;

i) forming an argument supporting the conclusion of the evaluating, the argument comprising the relevant template, the one or more user responses, the supporting evidence, and the conclusion; and

j) publishing said argument, including said relevant template, said one or more user responses, said supporting evidence, and said conclusion, for review,

wherein at least one of: said presenting to a user a plurality of searchable templates, said receiving from said user a selection, said displaying said plurality of queries, said presenting to the user at least one discovery tool, said receiving from said user one or more user responses, said receiving from said user supporting evidence, said associating, said evaluating, said forming, or said publishing is performed using a processor.

Finding of Facts

1) the term “argument” is defined as:

2 (a) a reason given in proof or rebuttal, (b) discourse intended to persuade,

3 (a) the act or process of arguing : ARGUMENTATION, (b) a coherent series of statements leading from a premise to a conclusion, (c) QUARREL,
DISAGREEMENT.

See *Merriam-webster Dictionary*

Principles of Laws/Interpretations

3. The preamble is normally considered “being optional” and does not have much patentable weight since many times it is merely statements of purpose or intended use. See MPEP 2111.02 It’s the body of the claim that matters and the current body of the claims have no tie to any particular machine. *Coming Glass Works*, 868 F.2d at 1257, 9

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USPQ2d at 1966. If the body of a claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1305, 51 USPQ2d 1161, 1165 (Fed. Cir. 1999). See also *Rowe v. Dror*, 112 F.3d 473, 478, 42 USPQ2d 1550, 1553 (Fed. Cir. 1997) ("where a patentee defines a structurally complete invention in the claim body and uses the preamble only to state a purpose or intended use for the invention, the preamble is not a claim limitation"); *Kropa v. Robie*, 187 F.2d at 152, 88 USPQ2d at 480-81 (preamble is not a limitation where claim is directed to a product and the preamble merely recites a property inherent in an old product defined by the remainder of the claim); *STX LLC. v. Brine*, 211 F.3d 588, 591, 54 USPQ2d 1347, 1350 (Fed. Cir. 2000) (holding that the preamble phrase "which provides improved playing and handling characteristics" in a claim drawn to a head for a lacrosse stick was not a claim limitation).

4. As for the limitation "an argument supporting a conclusion", "situation", etc., they are considered as non-functional descriptive material (NFDM) on the data of "...", thus having no patentable weight. For example, the mere insertion of the term "war" data over "data" does not "impart functionality when employed as a computer component", thus having no patentable weight. There are not steps or process of carrying out the "argument" such as "the user arguing an issue" in the claims.

See MPEP 2106.01 "Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation functions." The New IEEE Standard Dictionary of Electrical and Electronics Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works, and a compilation or mere arrangement of data.

5. Note also that the "allow" clause in dep. claims 25 and 44 respectively: "allowing one or more of the plurality of users..." basically reads "permits/allows the user to do a task" and wherein the "task" is "to generate ...". In other word, "permitting/allowing an action" is different from actually "performing an action". "Allowing", "causing" or "permitting" only requires "serving as the reason" for an "action" though, not necessarily performing the action. This can be done by issuing commands or orders, or entering into contracts. So even though the entity may do something later with the equipment that is in the technological arts, the positively recited steps of merely "causing" can be done without operating the equipment and is not in the technological arts. Variations on this theme have been seen in other cases, using terms like "allowing" or "permitting" an action, e.g. "allowing a user to search a database". Again, these functions (elements or steps) are distinct from actually doing the action, e.g. "modifying the input data..." and

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the current claim language has no such function or structural element calling for “configured to modify” or “step/means for modifying”.

6. Also, in claims 25 and 44 respectively, the phrase “...to generate and associate comments ...” is not a positively recited method step but, rather, is mere intended use of the allowed user and thus having no patentable weight. See MPEP 2173.05 (q), 2106, and 2111.04, which indicate that a method claim requires active, positive steps. Changing the phrase to the step of “generating and associating the comments...” is recommended.

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 20, 22-35, 37-38 (method) are rejected under 35 U.S.C. 101. Based on Supreme Court precedent and recent Federal Circuit decisions, the Office’s guidance to an examiner is that a § 101 process must:

(1) be tied to a particular machine or apparatus or

(2) transform underlying subject matter (such as an article or materials) to a different state or thing. See *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876).

(a) To qualify as a § 101 statutory process, the claim should recite the particular machine or apparatus to which it is tied, for example by identifying the machine or

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apparatus that accomplishes the method steps, or positively reciting the subject matter that is being transformed, for example by identifying the material that is being changed to a different state.

(b) There are two corollaries to the machine-or-transformation test. First, a mere field-of-use limitation is generally insufficient to render an otherwise ineligible method claim patent-eligible. This means the machine or transformation must impose meaningful limits on the method claim's scope to pass the test. Second, insignificant extra-solution activity will not transform an unpatentable principle into a patentable process. This means reciting a specific machine or a particular transformation of a specific article in an insignificant step, such as data gathering or outputting, is not sufficient to pass the test.

(c) Here, applicant's method steps fail the first prong of the new test because the only alleged tie is directed to insignificant extra solution activities, i.e. (a) presenting to a user..., is insufficient to render the otherwise ineligible process claim as statutory.

Note that the amended wherein clause in claim 20, only calls for "**at least one of** the steps" in claim 20, which could read over the 1st or 2nd step of "presenting" or "receiving" alone which is considered as " insignificant extra solution activities".

d) Further, applicant's method steps fail the second prong of the test because the claimed steps do not result in an article being transformed from one state to another. There is no transformation occurring in the claims for a physical object or substance or data that represents physical objects or substances.

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Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

11. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. **Claims 20, 22, 24-31 and 37-38 (method) and 39, 41, 43-50 (medium or CRSM) are rejected under 35 U.S.C. 103(a) as being unpatentable over (1)**

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JENNINGS ET AL. in view of (2) KUPERSMIT, (3) KEGAN and (4) HUANG et al (5,953,707) and/or CALVER.

As for independent claims 20 and 39, JENNINGS ET AL. et al fairly discloses an analytical system and a CRSM for accessing or generating an argument/reason supporting a conclusion for a given situation, the method comprising:

a) presenting to a user a plurality of searchable forms, wherein a subset of the plurality of searchable forms is relevant to the given situation;

{see col. 17, lines 57-67 “...*participants to select and predict a number of variables from among a set of pre-designated variables...*”, col. 18, lines 1-67}

b) receiving from said user a selection of one of said plurality of searchable forms from said subset that is relevant to the given situation, said one of said plurality of searchable forms being a relevant form most related to the given situation and including a plurality of queries;

{see Figs. 1 “*Join the tournament... **Participate in forums** and other **community activities**...*”, Figs. 2, 3, 4, col. 61, lines 16-65 “*estimation of commodity spot and futures prices, ... in crop forecasting... consumer and/or **social trends**....*”,

c) displaying a plurality of queries (questions) to the user, each of said plurality of queries has a categorical scale of likelihood (indicator) regarding whether the given situation will likely have a negative or positive result, the categorical scale of likelihood being represented by a plurality of potential responses; said categorical scale of likelihood being associated with said plurality of potential responses before said plurality of queries is displayed to said user;

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{see col. 21, lines 8-47 “**survey questions....additional survey questions...**”,
“*participants may also be asked to provide indicatorsone question might be whether
the DJIA **will be up or down (an up/down indicator)** when comparing tomorrow’s
close to today’s close...*”, col. 4, lines 1-5 “computing the likely economic impact from
various policy changes...”}

d) presenting to the user at least one discovery tool that links to an external
data source to facilitate responding to at least one of the plurality of queries;

{see Figs. 1, 3, elements 3a “Site Map”, 3b “Library”, col. 16, lines 12-40}

e) receiving from said user one or more user responses to said plurality of
queries where each of said one or more user responses is selected from the plurality of
potential responses such that each of the user responses indicates a likelihood of a
negative or positive result for an associated one of the -plurality of queries,

{see Figs. 5A, 5B, cols. 25-26}

f) linking to materials on the **basics** of making predictions (forecasting)

{see Figs. 3, 4, col. 16, lines 12-65}

h) evaluating said one or more user responses, in accordance with the
likelihood of a negative or positive result indicated by each of said one or more user
responses, such that said one or more user responses collectively support a conclusion
indicating whether the given situation will likely have a positive or negative result;

{see col. 21, lines 8-47 “**survey questions....additional survey questions...**”,
“*participants may also be asked to provide indicatorsone question might be whether*

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the DJIA will be up or down (an up/down indicator) when comparing tomorrow's close to today's close...", col. 4, lines 1-5 "computing the likely economic impact from various policy changes..."} }

i) forming an argument supporting the conclusion of the evaluating, the argument comprising the relevant form, the one or more user responses, the supporting evidence, and the conclusion; and

j) publishing said argument, including said relevant template, said one or more user responses, said supporting evidence, and said conclusion, for review,

{see col. 61, lines 15-40}

wherein at least one of: said presenting to a user a plurality of searchable templates, said receiving from said user a selection, said displaying said plurality of queries, said presenting to the user at least one discovery tool, said receiving from said user one or more user responses, said receiving from said user supporting evidence, said associating, said evaluating, said forming, or said publishing is performed using a processor.

{see Figs. 1, 2, 6, 12-13}.

As for the types of searchable input forms, i.e. templates, in view of the teachings of plurality of forms on Figs. 5A, 5B, 6 and 7, cols. 27-28, the use of other types of well known input/output forms such as templates would have been obvious if desired due to choices, situations, events, etc.

JENNINGS ET AL. fairly teaches the claimed invention except for step (f) with respect to the “receiving the supporting evidence” feature and steps and (g), (h) and (i).

In another system/method for managing a survey with respect public opinion research or strategies, political research or strategies, social science research, and strategies, etc., {see pars. 0022, 0050} **KUPERSMIT** discloses the steps of:

- presenting to a user a plurality of searchable forms/templates relevant to a given situation, wherein the give situation deals {see Figs. 3, 7A, 7B, pars. [0146]}
- displaying a plurality of queries (questions) to the user wherein each of the query has a categorical scale of likelihood regarding whether the given situation, the categorical scale of likelihood being represented by a plurality of potential responses; said categorical scale of likelihood being associated with said plurality of potential responses before said plurality of queries is displayed to said user {see Figs. 7A, 7B, pars. [0149] “...either a positive or negative reaction....”, par. [0150]}
- receiving from said user one or more user response to the plurality of queries (questions) ;
- analyzing the user responses in details and **make presentation of strategic recommendations** regarding the above strategies.

{see Figs. 7B, 7C, pars. [0081-0083]}

Therefore, it would have been obvious to modify the teachings of issue forecasting and Forum discussion of JENNINGS ET AL. with a discussion about public

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opinion research or strategies, political research or strategies and including element/steps of (c) and (h) above as taught by KUPERSMIT for the benefits as shown on pars. [0050-0052]}.

The teachings of JENNINGS ET AL. /KUPERSMIT fails to teach step (f) with respect to the “receiving the supporting evidence” feature and step (h).

In another system/method for improving persuasive argumentation and decision making and particularly to a tool to estimate the strength of a persuasive argument, and to automatically assist in making persuasive arguments stronger, **KEGAN** discloses the steps of:

In another system/method for improving persuasive argumentation and decision making and particularly to a tool to estimate the strength of a persuasive argument, and to automatically assist in making persuasive arguments stronger, **KEGAN** discloses the steps of:

(c) displaying a plurality of queries to the user wherein each has a categorical scale of likelihood;

(f) receiving supporting evidence from said user in response to said one or more queries of the one of the plurality of templates, the supporting evidence being relied on by the user to form at least one of the responses; and

(g) associating said supporting evidence received from said user with said answers responses to said one or more queries,

(h) evaluating said responses to determine whether the given situation will likely have a positive or negative result;

In order to achieve the scope/benefits cited above.

{see Figs. 2, "Evidence", "Fact", "Issue", "Law", "Matter", etc., icons, 5a and 5b, Fig. 14 "Fact Listing with Evidence, By GreenLight's Cudgel", Fig. 15 "Law with Facts, by GreenLight's Cudgel", and Fig. 25, abstract, col. 1, lines 20-27, Fig. 27 "elements 32, 37 and 40, cols. 8-10}.

It would have been obvious to modify the teachings of JENNINGS ET AL. /KUPERSMIT by including step (f) with respect to the "receiving the supporting evidence" feature as taught by KEGAN for at least one of the benefit cited above which is for improving persuasive argumentation and decision making and particularly to a tool to estimate the strength of a persuasive argument, and to automatically assist in making persuasive arguments stronger.

In another system/method for facilitating a decision making (decision support system) in a business managing process, **HUANG et al** is cited to teach the **analysis** of the responses is associated with **a likelihood of a negative (infeasible) or positive (feasible) result** for an associated one of the one or more queries and wherein one or more of the one or more queries has an associated discovery tool that links to an external data source to facilitate responding to the one or more of the one or more queries, {see Figs. 1, 2, 12, 13, 14, 40, 60, 65 "**Feasible**" "**Infeasible**", 67 and 69, col. 4, lines 45-60, col. 7, lines 10-15 "**link** ...", col. 11, lines 5-15, col. 12, lines 1-5, col. 97, lines 30-50, col. 98, lines 1-30 "*single/group usage. Ability for multiple users to collaborate in decision making*", col. 99, lines 24-40}, thus allowing the various decisions makers (users) in the business system to efficiently view the decision making from

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their own perspective, obtain information and evaluate decisions concerning past, current and future performance with respect to a diverse set of often conflicting goals {see col. 1, lines 20-25, lines 50-67, and col. 2, lines 1-50, especially col. 111, lines 10-45}. HUANG ET AL also teaches well known steps of forecast generation such as inputting information, choose model for statistical forecasting, generate and display (tables and graphs) statistical forecasts, computer, display and edit changes factors {see col. 21, lines 1-25}.

It would have been obvious to modify the teachings of JENNINGS ET AL. /KUPERSMIT /KEGAN by including the analysis of the responses is associated with a **view of the scale of likelihood of a negative (Infeasible) or positive (feasible) result** for an associated one of the one or more queries and wherein one or more of the one or more queries has an associated discovery tool that links to an external data source to facilitate responding to the one or more of the one or more queries as taught by HUANG et al for **efficiently view the decision** making from their own perspective such as a quick view of the result analysis.

In a similar business managing process, **CALVER** is cited to teach the use of searchable templates as part of the form for presenting to a user for inputting or receiving information relating to a specific event desired by the user {see Figs. 4, "HTML", "CGI", "**Forms**", Figs. 6-7, "**Templates**", pars. [0052, 0101-0102, 0060-0065]}.

Therefore, it would have been obvious to modify the teachings of JENNINGS ET AL. /KUPERSMIT /KEGAN /HUANG ET AL by using a template as a form for receiving information from a user as taught by CALVER for improving relevancy of user input.

As for dep. claim 22 (dep. of 20 above) and respective 41 (dep. of 39 above), which deal with query responding parameters, i.e. a rational (reasoning or basics) for the response, this is taught in JENNINGS ET AL. Fig. 3, col. 16, lines 12-48 or KEGAN Figs. 2, 4, 5a, cols. 8-9.

As for dep. claims 24-26 (dep. of 20 above) and respective 41 (dep. of 39 above), which deal with queries/response parameters, i.e. from a plurality of users and comments from user, these are taught in JENNINGS ET AL. Fig. 3, 12, col. 16, lines 41-65, cols 18-19, or KEGAN Figs. 2 “cluster members”, Fig. 3 and cols. 8-9. Furthermore, in claims 25 and 44, the features/limitations followed the “allow clause” and “intended use” phrase clause “... to (verb)”, which are presumed to have no patentable weight as shown above.

As for dep. claims 27-31 (dep. of 20 above) and 46-50 (dep. of 39 above), which deal with features of the queries/types of questions, these are taught in KUPERSMIT Figs. 7A-7B, par. [0149 “... other questions and types may also be utilized for survey web pages (252), as one skilled in the art will understand”].

As for dep. claim 37 (dep. of 20 above) and respective 55 (dep. of 39 above), which deal with the searchable template parameter, i.e. association with a situation descriptor, this is taught in CALVER {Figs. 6-7, pars. [0060-71, 0077, 0088-0090]}.

As for dep. claim 38 (dep. of 20 above) and respective 56 (dep. of 39 above), which deal with the searchable template parameter, i.e. creating a new template, this is taught in JENNINGS ET AL. Figs. 3-4, and col. 35, lines 35-67, col. 47, lines 46-65.

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13. Dependent claims 23, 32-37 and 42, 51-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over JENNINGS ET AL. /KUPERSMIT /KEGAN /HUANG ET AL as applied to claims 20, 22, 24-31 and 39, 41, 43-50 above, and further in view of CALVER.

The teachings of JENNINGS ET AL. /KUPERSMIT /KEGAN and HUANG ET AL is cited above.

As for dep. claim 23 (dep. of 20 above) and respective 42 (dep. of 39 above), which deal with queries/response parameters, in another system/method for facilitating a decision making (decision support system) in a business managing process, CALVER is cited to teach the use of plurality of queries in a hierarchical structure in order to match the user specific interests or more direct and relevant responses {Figs. 6-7, pars. [0060-0064]}.

Therefore, it would have been obvious to modify the teachings of JENNINGS ET AL. /KUPERSMIT /KEGAN and/or HUANG ET AL by using a hierarchical structure of queries as taught by CALVER in order to match the user specific interests or more direct and relevant responses {Figs. 6-7, pars. [0060-0064]}.

As for dep. claims 32, 35 (dep. of 20 above) and respective 51, 54 (dep. of 39 above), which deal with queries/response parameters, these are fairly taught in CALVER {Figs. 6-7, pars. [0060-0064]}.

As for dep. claim 33 (dep. of 20 above) and respective 52 (dep. of 39 above), which deal with queries/response technique, i.e. being selected from a group comprising a maximization (optimal) technique, this is taught in HUANG ET AL col. 99,

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lines 25-39 “...*evaluate the impact of a decision option by specifying the decision variables or generate the **optimal values**...*”.

As for dep. claim 34 (dep. of 20 above) and respective 53 (dep. of 39 above), which deal with queries/response parameters, i.e. a color for each type of response, this is taught in HUANG ET AL col. 100, lines 1-12 “***Use of colors for clarity, focus and aesthetics...***”. Therefore, it would have been obvious to apply color to each of the response within the hierarchy structure of the response of JENNINGS ET AL.
/KUPERSMIT /KEGAN /HUANG ET AL.

As for dep. claim 37 (dep. of 20 above) and respective 55 (dep. of 39 above), which deal with the searchable template parameter, i.e. association with a situation descriptor, this is taught in CALVER {Figs. 6-7, pars. [0060-71, 0077, 0088-0090]}.

Response to Arguments

14. Applicant's arguments of 3/31/2010, with respect to claims 1, 3-16, 18-20, 22-35, 37-40 have been considered as followed:

1) As for the 101 rejections, they are moot in view of the new ground(s) of rejection which are caused by applicant's amendment. Also, as indicated above, applicant can use the following language such as “using a processor, performing the following steps: presenting ...” to overcome the 101 issue instead of “using a processor to perform steps comprising” language.

2) As for the 103 rejections, they are not persuasive in view of the new rejections.

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Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

No claims are allowed.

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16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct@uspto.gov>. Should you have any questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

1. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

2. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to **571-273-8300**.

Hand delivered responses should be brought to the

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Randolph Building

401 Dulany Street

Alexandria, VA 22314.

3. In receiving an Office Action, it becomes apparent that certain documents are missing, e. g. copies of references, Forms PTO 1449, PTO-892, etc., requests for copies should be directed to Tech Center 3600 Customer Service at (571) 272-3600, or e-mail CustomerService3600@uspto.gov.

4. Any inquiry concerning the merits of the examination of the application should be directed to Dean Tan Nguyen at telephone number **(571) 272-6806**. My work schedule is normally Monday through Friday from 6:30 am - 4:00 pm. I am scheduled to be off every other Friday. Should I be unavailable during my normal working hours, my supervisor Janice Mooneyham can be reached at **(571) 272-6805**. The main **FAX phone** numbers for formal communications concerning this application are **(571) 273-8300**. My personal Fax is **(571) 273-6806**. Informal communications may be made, following a telephone call to the examiner, by an informal FAX number to be given.

/Tan Dean D. Nguyen/

Primary Examiner, Art Unit 3689